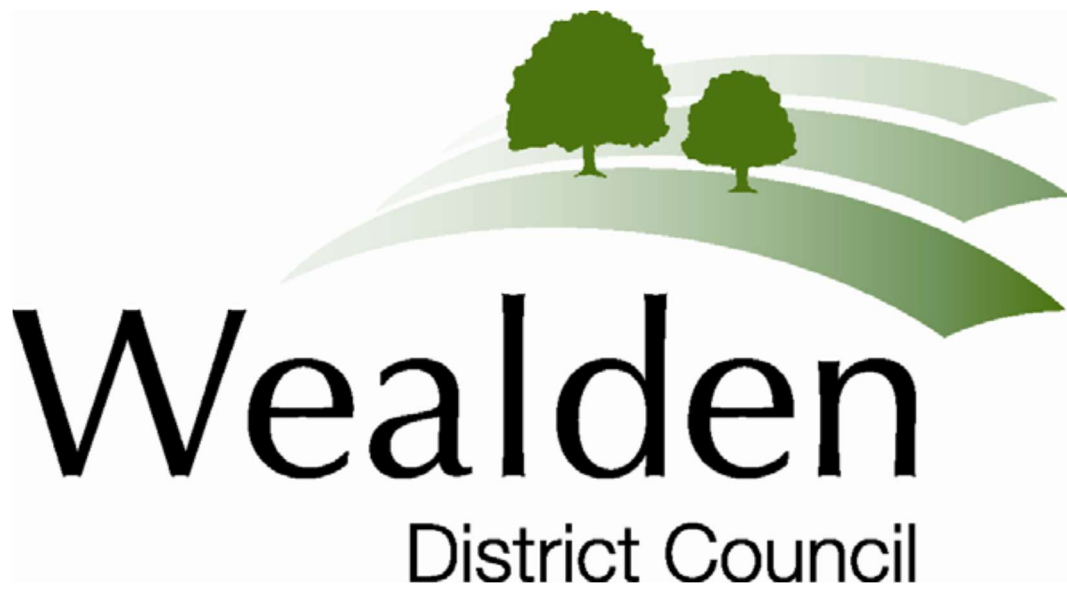




Town and Country Planning Act 1990

Appeal by Croudace Homes Ltd

Land at Bird In Eye Farm,
South of Bird In Eye Hill
Framfield TN22 5HA

Wealden District Council Ref:

WD/2024/1799/MAO

Planning Inspectorate Ref:

APP/C1435/W/24/3356658

HERITAGE PROOF OF EVIDENCE

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EXECUTIVE SUMMARY

In this proof of evidence I set out my assessment of the impact of the Appellant's proposals on the Bird In Eye Oast which is a grade II listed early 19th century farm building which sits broadly in the centre of Bird In Eye Farm, within the centre of the site. The oasthouse exhibits architectural and historic interest commensurate with its grade II listed status.

Following the methodology set out in Historic England's Good Practice Advice 3 on The Setting of Heritage Assets, I consider that the oasthouse derives significance from its setting and that its setting affords appreciation of its significance under the twin roles of setting, including from the land within the appeal site.

Whilst the scheme as proposed may result in some heritage benefits, I am of the opinion that the form and quantum of development with associated residential development, public open space and highways infrastructure would result in an uncharacteristically urban imposition on the rural setting which fails to respond positively to the setting of the designated heritage asset.

Accordingly, I have concluded that there would be less than substantial harm at the moderate level of the spectrum to the significance of the heritage asset arising from development within its setting which affords appreciation of and contributes to its significance. This would arise from visual impacts and associated loss of the rural qualities and character of its setting. This level of harm takes into account the heritage benefits which the scheme may deliver.

The scheme would therefore fail to preserve the significance and setting of the grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act. I consider that there would be less than substantial harm to the significance of the asset at the moderate level because of the adverse impact of the proposed development and associated infrastructure on the rural open setting to the west, south and north of the listed building.

Consequently, the proposed development would be contrary to national and local policies, including paragraphs 135c, 139, 210 and 219 of the NPPF, amounting to less than substantial harm under paragraph 215; local policies EN1 and EN27 of the Saved Local Plan 1998 relating to sustainable development and the layout and design of development; and broader policies relating to the intrinsic quality of the historic environment in the Core Strategy SP02.

1 Introduction

- 1.1 My name is Joanna Tucker. I hold a Bachelors Degree in Building Conservation Technology (BScHons) from Bournemouth University and a Masters Degree in Town Planning from Westminster University.
- 1.2 I have been employed by Wealden District Council as the Senior Heritage Officer in the Planning and Environmental Services team since October 2014. Prior to that date, I worked in both the heritage and planning teams at Wealden District Council since January 2000. I have over 27 years of experience in both the public and private heritage sectors.
- 1.3 I have been a full member of the Royal Town Planning Institute since 2006.
- 1.4 The evidence which I have prepared and provided within this proof is true and accurate to the best of my knowledge and belief. I can confirm that the opinions expressed are my true and professional opinions.
- 1.5 My evidence relates to an appeal by Croudace Homes Ltd against Wealden District Council for non-determination of the outline planning application on Land at Bird In Eye Farm, South of Bird In Eye Hill, Framfield, TN22 5HA comprising 'Outline planning application for up to 190 dwellings, associated works, parking, landscaping, publicly accessible open space and SANG provision, with access from the B2102'.
- 1.6 I have identified one designated heritage asset in the vicinity of the site which is susceptible to change within its setting. This is the oasthouse to the north-west of Bird In Eye Farmhouse as identified on the map at Appendix A. The oasthouse is a grade II listed building. It was added to the National Heritage List for England (NHLE; or 'the list') in 1982. The list description is at CD7.11.
- 1.7 Prior to the submission of WD/2024/1799/MAO, I had been asked to input into a pre-application enquiry by Croudace Homes Ltd (PE/2024/0122/E) in respect of heritage considerations. This pre-application enquiry followed a dismissed appeal for residential development at Land at Bird In Eye Farm (appeal ref: APP/C1435/W/22/3307820; CD14.3) where the Inspector concluded that the heritage impacts would not be outweighed by public benefits. I undertook a site visit in relation to the pre-application enquiry on the 30 April 2024. I then attended a Teams Meeting on 23rd May 2024 attended by representatives of Croudace Homes as well as the Planning Officer, [REDACTED]. The proposed masterplan and formal pre-application response letter is included at Appendix B and records the detailed reasoning supporting the Council's position on heritage at the time of the pre-application discussions.
- 1.8 Following the pre-application discussions, Croudace Homes submitted application WD/2024/1799/MAO, and subsequently appealed against non-determination. The application had not been validated, therefore, I had not been formally consulted on the proposals or provided any formal consultation response in relation to this

scheme. The Council's Statement of Case (CD3.3) sets out the Council's position on the appeal and the case for the Local Planning Authority on the impact on the listed building – Bird In Eye Oast. The Statement of Common Ground sets out matters of agreement and disagreement between the parties (CD4.3). My evidence therefore focusses upon the heritage matters of disagreement, namely the impact on the grade II listed Bird In Eye Oast and the level of harm.

- 1.9 I made further visits to the site and its environs on 19th February 2025 and 29th April 2025 in connection with assessment of the appeal scheme.

2 Legislation, Policy and Guidance

The Planning (Listed Buildings and Conservation Areas) Act 1990

- 2.1 The applicable statutory provision of the Planning (Listed Buildings and Conservation Areas) Act 1990 is Section 66(1) which provides:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Local Planning Policy

- 2.2 The Wealden District Core Strategy Local Plan (CD6.1) comprises a long-term spatial vision and strategic objectives for the Wealden District area for the period 2013 to 2027. Policy SPO2 sets out that the Council will ensure the protection of the intrinsic quality of the historic environment. SPO13 commits to promote local distinctiveness through good design in all new development.
- 2.3 Saved policies EN1 and EN27 of the Adopted Wealden Local Plan (CD6.2) address the intention of national policy to achieve sustainable development. EN1 sets out that the Council will pursue sustainable development in considering the location, layout and design of development; while EN27 sets out that proposals for development will be treated favourably where they are of a high standard, respect existing character and promote local distinctiveness.

Wealden Design Guide (WDG)

- 2.4 Locally, the Wealden Design Guide (CD6.4) encourages high-quality, contextually-informed design. Chapters 2, 5, and 7 of the WDG aim to get sympathetic development including responding to local character. It is acknowledged that the appeal scheme is at outline stage and that plans are illustrative, but the Council must be content that the quantum of development proposed can be accommodated in line with high-quality, contextually informed design.
- 2.5 Chapter 2 sets out the need for new development to respect established landscape character and preserve local distinctiveness based on the four main character zones, of which the appeal site is within The High Weald. The character zones, together with a detailed study of the site should be used as a basis for preparing a bespoke scheme tailored to the specific site. The study of the site will be expected to clearly demonstrate an understanding of those elements of the local landscape setting, building design and use of materials that contribute to the area's distinctiveness, which in this case is the farmstead located on the ridgeline, with surviving traditional earlier agricultural buildings, including the oasthouse, which have a functional relationship with the surrounding rural open fields. Officer support

is unlikely to be given where proposals for new development fail to relate to the established landscape character (1.16 and 1.17 WDG Chapter 2). Constraints relating to The High Weald character zone include safeguarding traditional buildings and their settings and the impact of introduction of urban elements on the area's essential rural character (2.6, 2.7 and 2.8 WDG Chapter 2).

- 2.6 Chapter 5 sets out what is meant by 'appropriately detailed' assessment and analysis of a site and/or building and how this should inform the design process to achieve local distinctiveness (1.1 and 1.4 WDG Chapter 5). Large scale or major developments are likely to have a greater impact on an area, whether that impact is positive or negative will be dependent on how clearly they demonstrate a thorough understanding of the area (5.1 WDG Chapter 5). It notes 'contextual characteristics...should be taken into consideration when visually appraising a site and identifying the quintessential elements that contribute to identity, sense of place and what is positive in terms of local distinctiveness: building styles, relationship with adjacent buildings, urban grain, street sections, character and setting, distant views, architectural role, local distinctiveness, materials, boundary treatments...' (4.4 WDG Chapter 5).
- 2.7 Chapter 12 addresses listed buildings, primarily in terms of making changes to them or within their curtilages. However, in terms of setting it briefly notes 'The 'setting' of a listed building or structure is not defined in the legislation but policy and practice tends to follow the principle that it relates to 'all views out' and 'all views in' (10.8 WDG Chapter 12).

National Planning Policy Framework (NPPF)

- 2.8 The requirements of the Act are reinforced by the National Planning Policy Framework (**CD12.1**). At Chapter 16, the NPPF sets the national agenda for 'Conserving and enhancing the historic environment'. This, in particular, requires the significance of any heritage asset that may be affected by a proposal to be described, including any contribution made by its setting (Paragraph 207), and for this to inform future change in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal (Paragraph 208).
- 2.9 Paragraph 202 of the NPPF states that planning should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 210 sets out the Council's duty in determining applications to take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.10 Paragraph 212 affords 'great weight' to the conservation of designated heritage assets through an understanding of the impact of a proposed development on their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. At Paragraph 219, the NPPF sets out that proposals that preserve those elements of setting which

make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

- 2.11 Paragraph 213 of the NPPF states that significance of a designated heritage asset can be harmed or lost through alteration or destruction of the heritage asset or through development within its setting; and requires any harm to, or loss of, the significance of a designated heritage asset to have 'clear and convincing' justification. Under Paragraph 215, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the decision maker should weigh the harm against the public benefits of the proposal.
- 2.12 At Paragraph 219, the NPPF also requires Local Planning Authorities to look for opportunities for new development within the setting of heritage assets to enhance and better reveal their significance.
- 2.13 Chapter 12 of the NPPF sets the national agenda for 'Achieving well-designed and beautiful places'. At Paragraph 135, it recognises that well-designed places result from developments that are sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place. Paragraph 139 sets out that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Local distinctiveness and design is addressed in the Wealden Design Guide.
- 2.14 In the Secretary of State's decision on New City Court (APP/A5840/W/22/3290473; **CD7.12**), the Inspector observes that 'good design cannot exist in a vacuum ... context is a key aspect' (IR13.34). In other words, a development cannot be considered well-designed if it doesn't fit into its surroundings, including the failure of a scheme to respond positively to its historic context. This is the thrust of Paragraphs 135 and 219 of the NPPF.

Planning Practice Guidance (PPG)

- 2.15 The July 2019 revisions to the Planning Practice Guidance (CD12.3) provides advice on enhancing and conserving the historic environment in line with national policy in the NPPF. It sets out that part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past, and how the NPPF provides a clear framework to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development (Paragraph 002 Reference ID: 18a-002-20190723).
- 2.16 Supporting Paragraphs 214 and 215 of the NPPF, the PPG sets out that being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting to that significance, is very

important to understanding the potential impact and acceptability of development proposals (Paragraph 007 Reference ID: 18a-007-20190723).

- 2.17 Paragraph 008 (ID 18a-008-20190723) provides guidance on proposals to avoid or minimise harm to the significance of a heritage asset. In particular, it advises understanding the significance of a heritage asset and its setting at an early stage in the design process. Paragraph 009 (ID 18a-009-20190723) sets out that applicants should include analysis of the significance of the asset and its setting, and, where relevant, how this has informed the development of the proposals.
- 2.18 Paragraph 013 (Reference ID: 18a-013-20190723) provides guidance on the setting of heritage assets. It notes that although the extent and importance of setting is often expressed by reference to visual relationships between the asset and the proposed development, the way in which we experience an asset in its setting is also influenced by other environmental factors, and by our understanding of the historic relationship between places. When taking account of setting in decision making, local planning authorities may need to consider the implications of cumulative change and consider the fact that developments which materially detract from an asset's significance may threaten its ongoing conservation. Advice on assessing the Setting of Heritage Assets given in Historic England's Good Practice Advice in Planning: 3.
- 2.19 Paragraph 018 (Reference ID: 18a-018-20190723; CD7.1) of the PPG makes clear that what matters in assessing whether the proposal might cause harm is the impact on the significance of the heritage asset, derived not only from its physical presence but also from its setting. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial or substantial harm. Within each category of harm, the extent of harm may vary and should be clearly articulated. The NPPF does not direct the decision maker to adopt any specific approach to identifying harm or gauging its extent beyond a finding of substantial or less than substantial harm. Classifications of harm on a spectrum beyond the binary classification of substantial or less than substantial is a matter of judgement for the decision maker. The PPG confirms that the category of harm should be explicitly recognised but also, notwithstanding the Shimbles judgment, that the extent of harm should be clearly articulated.

Managing Significance in Decision-Taking in the Historic Environment – Historic Environment Good Practice Advice in Planning: 2 (GPA2)

- 2.20 Historic England Good Practice Advice note 2 provides a staged approach to decision-making where there may be an impact on the historic environment (CD7.8). This begins with ensuring an understanding of the significance of affected assets and how that understanding should be used to avoid or minimise impacts of the proposal. It then considers ways in which opportunities can be taken to enhance or better reveal significance and finally to justify or offset remaining harmful impacts. In considering design and local distinctiveness at Paragraph 53, it places emphasis on factors which may influence what will make the scale, height, massing,

alignment, materials and proposed use of new development successful in its context:

- The history of the place;
- The relationship of the proposal to its specific site;
- The significance of nearby assets and the contribution of their setting;
- The character and distinctiveness of the area in its widest sense, including the general character of local buildings, spaces, public realm and the landscape;
- The grain of the surroundings;
- The size and density of the proposal related to that of the existing and neighbouring uses;
- The diversity or uniformity in style, construction, materials, colour, detailing, decoration and period of existing buildings and spaces;
- The topography;
- Views into, through and from the site and its surroundings.

The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (GPA3)

- 2.21 The NPPF glossary defines the setting of a heritage asset as ‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.’
- 2.22 Historic England’s Good Practice Advice Note 3: The setting of heritage assets (**CD7.5**) provides guidance on managing change within the settings of heritage assets. It provides a step-by-step methodology for assessing the impact of development on the setting of a heritage asset, with particular emphasis on:
- understanding setting and how it may contribute to the significance of a heritage asset, and it can allow that significance to be appreciated – referred to as the ‘twin roles’ (paragraph 3);
 - defining and understanding the setting of a heritage asset including, but not limited to, the role of views; and
 - a staged approach to taking decisions on the level of the contribution which setting and related views make to the significance of heritage assets.

Case Law relating to heritage assets and their settings

- 2.23 The Court of Appeal decision in the case of Barnwell Manor Wind Energy Ltd v. East Northamptonshire DC, English Heritage, National Trust & SSCLG [2014] EWCA Civ 137 (known as the ‘Barnwell Manor’ case; **CD7.7**) made it clear that in enacting Section 66(1) of the 1990 Act, Parliament’s intention was that ‘decision makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise’.

In addition to this, the Court held that ‘preserve’ in the terms of the Act means an absence of harm, or ‘no harm’.

- 2.24 Decision-makers considering harm to heritage assets cannot therefore simply treat the desirability of preserving the setting of a listed building as a mere material consideration to which they can simply attach the weight they see fit in their judgment. The statutory duty treats the preservation of the setting of a listed building as presumptively desirable. Implicit in Section 66 of the 1990 Act is that the setting of a listed building is capable of being affected in some discernible way by development, whether within the setting or outside it.
- 2.25 The Court of Appeal’s judgement in *Bramshill v Secretary of State for Housing Communities and Local Government* [2021] EWCA Civ 320 (**CD7.10**) addresses the interpretation and application of NPPF policies on the assessment of harm and benefit to heritage assets, giving clear and detailed methodology on approaching harm to heritage assets. The weight to be given to the conservation of heritage assets is a matter of planning judgement, bearing in mind the ‘considerable importance and weight’ required. However, the imperative of giving considerable weight to harm to the setting of a listed building does not mean that the weight to be given to the desirability of preserving it or its setting is uniform. Rather, that will depend on the extent of the assessed harm and the heritage value of the asset in question.
- 2.26 The *Catesby Estates v Steer* [2018] EWCA Civ 1697 Court of Appeal judgement (**CD7.13**) confirms that the effect of development on the setting of heritage assets is not necessarily confined to visual or physical impact, but that other considerations - such as the historical, social and economic connections of the asset - should also be taken into account. *Catesby* establishes that Section 66(1) of the Act requires the decision maker to understand what the setting of the asset is, and whether the proposed development will be within it or in some way related to it. The decision maker must apply judgment in identifying the extent of an asset’s setting, in the context that surroundings may change over time, and the way in which a heritage asset can be experienced is not limited to visual considerations. It sets out that ‘*The effect of a particular development on the setting of a heritage asset – where, when and how that effect is likely to be perceived, whether or not it will preserve the setting of the listed building, whether, under government policy in the NPPF, it will harm the “significance” of the listed building as a heritage asset, and how it bears on the planning balance – are all matters for the planning decision-maker*’ (paragraph 30).

3 Planning History and Appeal Scheme

Site context and planning history

- 3.1 Historic England Farmstead Assessment Framework guidance (**CD7.15**) makes a distinction between traditional buildings which pre-date 1940, and wide-span industrial sheds which are critical to the modern farming industry (page 2). Fig. 1 provides an overview of Bird In Eye Farm showing the traditional and modern buildings. The traditional buildings include Bird In Eye Farmhouse (**F**), Bird In Eye Oast (**A**) and a courtyard comprised of three barns (**B**, **C** and **D**). The planning history for the farmstead indicates that all of the modern buildings on the east side of the farmstead, and including building **E** post-date 1965 (**Appendix C**).

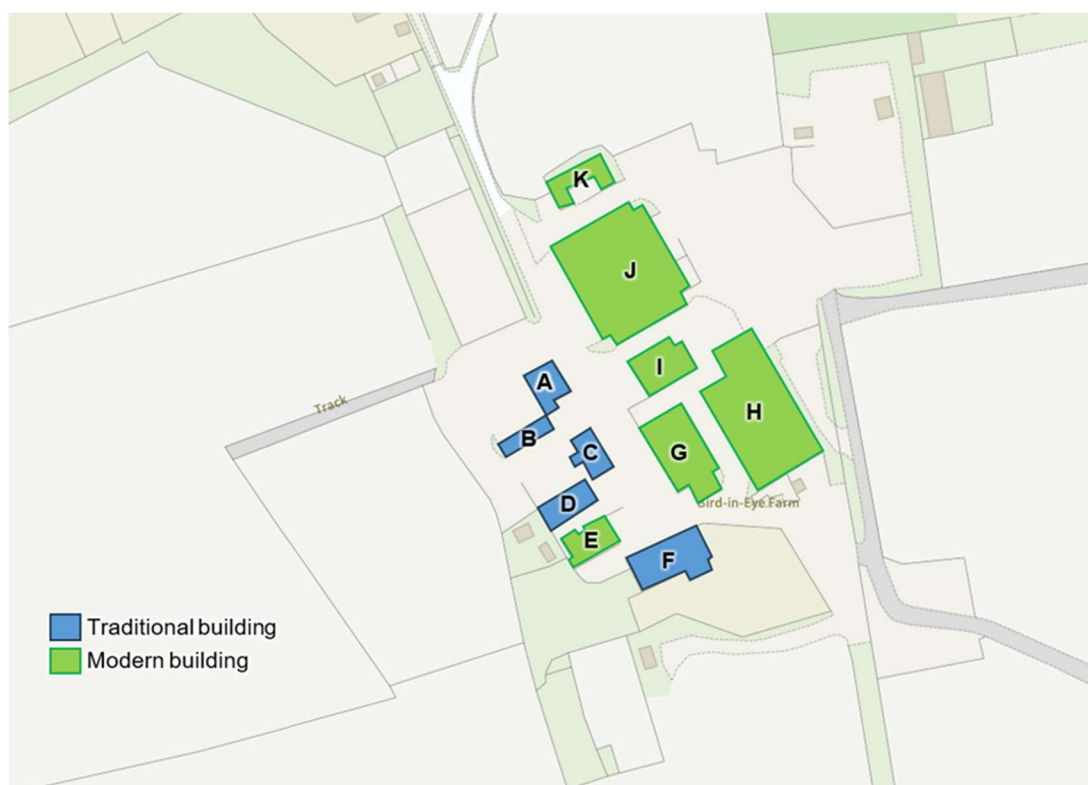


Fig. 1 Bird In Eye Farm, identifying the different farm buildings

- 3.2 In respect of the traditional buildings, the 1986 permissions under 1986/1823/F and 1986/1824/LB for 'Change of use from redundant farm buildings to rural craft workshops and installation of new septic tank and new access' are particularly relevant. Notably, the traditional buildings (**Fig. 1: B, C and D**) were treated as curtilage listed buildings to the Oast at this time. In 2010 a further listed building consent application was granted in respect of alterations to the southern building of the courtyard (**D**) under 2010/1637/LB. Under current guidance in Historic England Advice Note 10: Listed Buildings and Curtilage (2018) the Council has taken the view that these traditional buildings are (non-designated) heritage assets which contribute positively to the setting of Bird In Eye Oast.

- 3.3 Details are given of the 1986 permissions in **Appendix D**. The redline area included the workers cottages at Nos 18 & 19 Bird In Eye Cottages (Bird in Eye Hill) and Lycroft, close to the B2102. The northern end of the historic farm access was retained for their use, and a new access for the craft workshops was provided as a spur off the historic access. As proposed at the time the traditional farm buildings, excepting the listed oasthouse, were to be converted to craft workshops. The agent set out that *'The oast itself would be made available for interested people to look around and there will be a small display of farm tools and some history and information about the working of oast houses on the first floor.'* The plans indicate that a pole barn attached to the north side of the oasthouse was to be demolished. Alterations to the oasthouse included infilling the open fronts at the ground floor of the stowage houses, replacement of the corrugated iron roof over the c.1900 stowage to the north to slate to match.
- 3.4 The County Conservation Officer at the time noted that *'Although the oast house, a rare example, for Sussex, ..., is the most important building of the group, the others, especially the brick barn, are of considerable group value as viewed across the countryside, in particular from the A22 to the west.'* The County Conservation Officer also took part in extended discussions in respect of the detailed conversion of buildings **B**, **C** and **D**, and ultimately concluded that *'a recommendation of approval is advised from the architectural and historic viewpoint'*.
- 3.5 Condition 2 of the permission requires the car parking spaces to be laid out and made available at all times. The approved plan indicates 18 car parking spaces to be provided within the existing concrete yard to the north-west of the traditional buildings. A new opening was made in the stone wall on the west side of the yard to provide through-access.
- 3.6 There have been previous refused proposals for residential development of land at Bird In Eye Farm leading to appeals in 2009 (**CD14.1**) and 2023 (**CD14.3**). Both of these appeals were dismissed. In 2009, no material harm to the setting of the oasthouse was identified even though residential development was proposed within its setting.
- 3.7 My consultation response (**Appendix H**) to the application subject of the 2023 appeal noted that the application was in outline form and that: Subject to a layout at reserved matters that is informed by a thorough understanding of the setting of the listed building, it should be possible to accommodate development proposed within the red line area without harm to the significance of the listed building. I note all matters are reserved accept for access which would therefore allow the amount of units and their size (detached, semi-detached, terraced), layout (including positioning of buildings), appearance and landscaping to be properly considered at reserved matters stage, fully informed by the constraints of the setting of the listed building and to show heritage benefits in the development of this site.
- 3.8 The Heritage Assessment with that application identified less than substantial harm to the significance of the oasthouse. I agreed with this position, but I was under the impression at the time, in 2021, that the 'up-to' figure for the number of residential

units would allow flexibility to reduce the level of harm through reducing the number of houses. I now understand this not to be the case and this would have altered my approach to my formal response to the previous application. In any event, my opinions in relation to this application have been informed by a more detailed understanding of the significance of the listed building and its setting than at the time of my 2023 consultation response.

3.9 The application was subsequently refused, but not with a heritage reason for refusal. Although the SoCG for that appeal agreed no harm as set out at para 1.10 of the heritage statement relating to the current appeal proposals, it was clear in my view that the appellant's own heritage advisors for the previous appeal proposals had identified less than substantial harm. The Inspector at the 2023 appeal (**CD14.3**) identified this discrepancy and included a round table discussion on heritage at the Public Inquiry.

3.10 In 2023, the effect of development on the setting of the oasthouse was considered at appeal (**CD14.3**) to cause less than substantial harm to the significance of the listed building. Paragraph 55 of the appeal decision sets out the circumstances in which this matter was aired:

'55. I am mindful that no material harm to the setting of the oasthouse was identified in the 2009 Inspector's report and Secretary of State Decision. However, matters have moved on since that time such as guidance from Historic England: The Setting of Heritage Assets, which was first published in 2015, and is now a material consideration in this appeal. Furthermore, the Framework is now a material consideration.'

3.11 With regards to heritage impact, the Inspector found:

'57. The setting to the oasthouse contributes to its significance insofar as its historic use for drying hops and functional relationship with the surrounding fields which grew the hops can still be appreciated today. These fields remain open, undeveloped, and in use as pasture. Consequently, they enable the oasthouse to be appreciated in broadly its historic rural scene. These fields also provide for a qualitative understanding of the significance of the oasthouse derived from its setting as they provide a degree of quiet and tranquillity which you would reasonably associate with such a rural, historic scene. Furthermore, the lack of development in these fields along with its elevated position above the town gives it a local landmark quality.'

58. The proposed development seeks to site up to 290 houses, access roads, and an attenuation basin within the setting of the oasthouse. Consequently, any remaining ability to appreciate the significance of the oasthouse in its historic rural setting would be largely lost. The level of development proposed would also visually compete with and distract from its local landmark quality. Furthermore, the relatively quiet and tranquil character of the setting of the oasthouse would be significantly diminished by the large-scale residential development proposed.'

59. The appellant suggests that area(s) of open land could be designed in the final layout of the development, as shown on the Illustrative Site layout, in order to provide an element of the rural setting of the oasthouse. However, given the scale of development proposed any such land would be relatively modest in size, flanked by development, likely landscaped, and would not provide any meaningful historic views of the oasthouse that I have been made aware of. This would therefore reduce the harm I have found to setting by a very minimal degree as its setting as currently experienced is far wider, more extensive, and rural in character. An information board could also be provided as part of the development providing interpretation as to the significance of the oasthouse in terms of its technical rarity and this would better reveal its significance. However, it would not minimise the specific harm to its setting that I have identified.'

- 3.12 The Inspector went on to find that: *'[G]iven that the proposal would result in the loss of such a large area of the immediate setting of the oasthouse and therefore severely reduce the contribution this currently makes to the significance of this heritage asset I find that this harm is not outweighed by the public benefits in this case.'* (para.59)

Appeal scheme

- 3.13 The Current Appeal scheme comprises a residential development in outline form, on land at Bird In Eye Farm, South of Bird In Eye Hill, Uckfield (Framfield Parish), for up to 190 dwellings, associated landscaping, informal open space and SANG, with access from the B2102.
- 3.14 The current scheme has reduced the proposed quantum of growth from 290 to 190 homes from that which was dismissed at appeal in 2023. The area shown for development is configured differently from the dismissed appeal. The current scheme also proposes changes to the immediate setting of the oasthouse with the removal of an area of hardstanding to the west and inclusion in the redline boundary of the site for landscaping purposes. This latter element of the current scheme is a positive change and reintroduces the historic boundary to the farmyard area where this has been eroded in the later part of the 20th century.
- 3.15 My PoE addresses the following putative Reason for Refusal (RfR) set out in the Council's Statement of Case in relation to impact on the designated listed building:

The development would result in harm to and the loss of the traditional rural open and undeveloped setting of the Grade II listed Bird In Eye Oast by virtue of the proposed indicative areas of development to the northwest, west and southwest of the designated heritage asset. The proposed development would visually compete with and distract from this local historic landmark and would not safeguard the existing relatively tranquil and quiet setting through the introduction of housing within the undeveloped area and the infrastructure to serve the proposed SANG leading to a detrimental cumulative impact of

change. This in combination with the inappropriate urbanisation of the character of the access road with the introduction of the roundabout infrastructure would result in the proposals leading to less than substantial harm to the significance of the designated heritage asset through inappropriate development within its setting and this harm would not be outweighed by the public benefits resulting from this proposal.

The proposal would be contrary to Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990, Policy EN1 and EN27 of the Wealden Local Plan 1998, Policy SPO2 of the Core Strategy and paragraphs 212 – 217 of the National Planning Policy Framework and Chapter 5, 7 and 12 of the Wealden Design Guide.

1482 correspond today with the location of Nos. 18, 19 and 20 Bird in Eye Hill, still surviving close to the access to Bird in Eye Farm, with clear historic character.

- 4.5 The farm is shown on the tithe map as having a compact loose courtyard layout, with the farmhouse set away to the south within its own gardens (plot 1465). There were three distinct yards – plot 1466 to the west defined by buildings to the north and south which still survive today as buildings **B** and **D** on **Fig. 1**; an unidentified yard to the east of it with a central barn (**C** on **Fig. 1**); and a further yard to the south of building **D**, which was at that time L-shaped, and enclosed to the east by a further building on the east side. The oasthouse (**A** on **Fig. 1** and circled in red on **Fig. 2**) is set to the north within the larger meadow identified as plot 1406. Meadows were typically used for growing hay and could have a grazing function similar to a paddock as well. Jones notes that the oasthouse was first mentioned in a lease of 1838. The date of the other surviving buildings is unknown. Access to the farmstead from the B2102 is unclear at this date, but there is an access to the east of the farmstead on the east side of plots 1464, 1455 and 1451 leading to the coppice belt on the south side of the farmstead.
- 4.6 The apportionment (**Appendix C**) identifies the owner of the farm as Robert Stone, with the wider farm tenanted. The farmstead was surrounded by land worked with the farm as a mixture of arable and pasture land, and coppice wood. The farm sat amongst wider landscapes of arable and pasture land. Notably, at that time the land to the west and south of the oast house was in use as hop garden (plot 1451) and arable fields (plot 1467, Kiln Field and plot 1453, Barn Field). The land to the east (plot 1464) was in use as pasture and further arable land (plot 1454).
- 4.7 The First Edition of the smaller scale 1:2500 (25-inch) Ordnance Survey (OS) map (**Fig. 3**) indicates that Nos. 21 and 22 Bird in Eye Hill were added to the existing linear development along the B2102 by c.1875. Access to the farm was from Bird in Eye Hill via a roughly straight track to the east of Nos. 18 and 19 Bird in Eye Hill. Within the wider landscape associated with the farm (see the larger scale 6-inch OS map at Figure 3.2 of CD1.35), the two arable plots to the west of the farm (former tithe plots 1453 and 1467) have been amalgamated, while the hop plot to the south (former tithe plot 1451) remains intact including its field boundary to the north. To the north-east, the pasture (former tithe plot 1464) survives, while the arable land to the east (tithe plot 1454 and plots to the north) has also been amalgamated. This landscape structure, established by c.1875, survives intact today.
- 4.8 The farmstead itself has largely the same form as seen on the earlier tithe map (inset on **Fig. 3**), with three yards and the farmhouse set away to the south within its own garden. The oasthouse and attached stowage are at the northern end, adjoining the access, much as they survive today. There are still two yards on the west side and a larger yard on the right side. Building A is shown as open fronted to the south, facing onto the yard, indicating livestock use. Similarly, the southern building which is L-shaped on the tithe map is shown as two distinct elements, only the northern E-W range of which survives (as building **D** on **Fig. 1**).

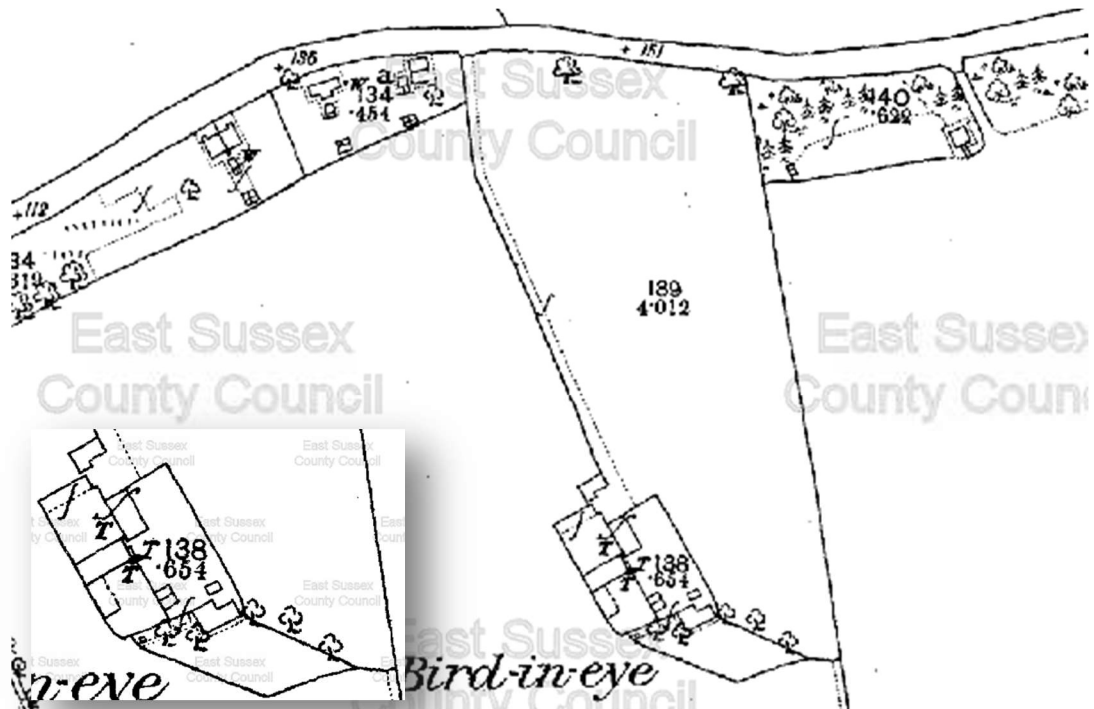


Fig. 3 First Edition 1:2500 OS Map, surveyed c.1875 and published in c.1875, with inset of Bird in Eye Farm

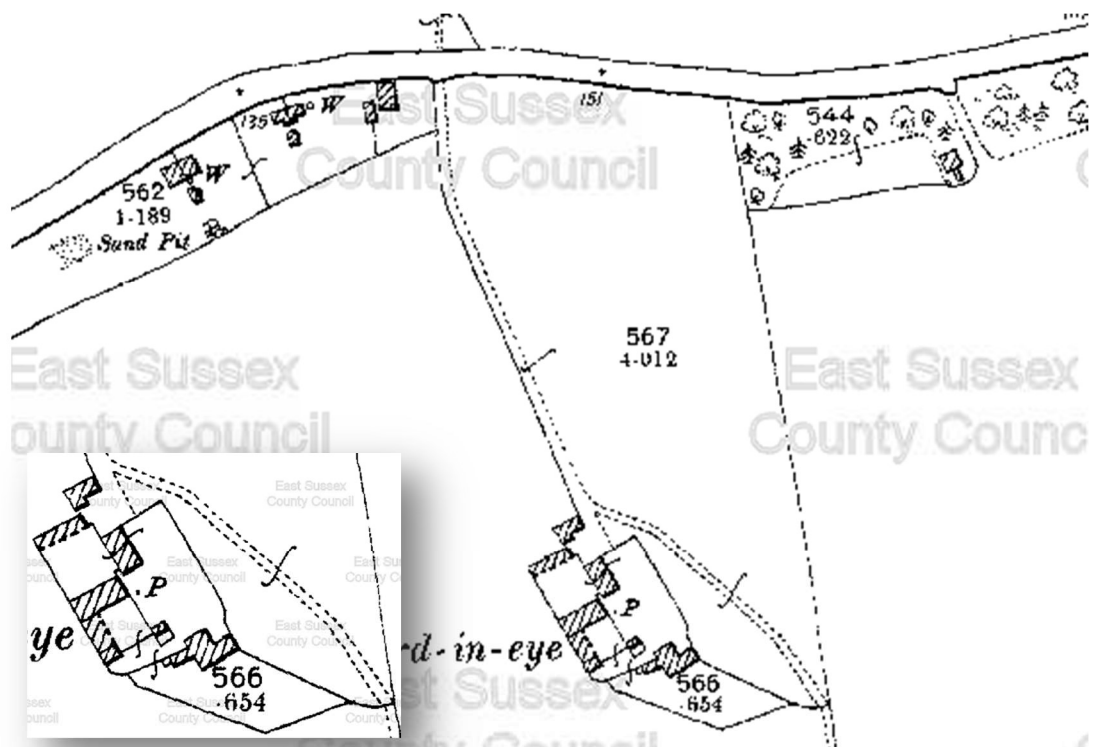


Fig. 4 Second Edition of the 25-inch OS Map, surveyed c.1897 and published c.1898, with inset of Bird in Eye Farm

- 4.9 The Second Edition of the 25-inch OS map (**Fig. 4**) suggests little change outside of the farmstead. The most notable change is to the access from c.1875, which is linked to the earlier access on the eastern side, passing by the eastern side of the

farmstead. Within the farmstead there was only minor changes, with the three-yard layout largely surviving.

- 4.10 The Third Edition of the 25-inch OS map from 1910 (see Figure 3.3 of CD1.35) shows the landscape structure from c.1875, notably with the hop field (tithe plot 1451) still intact. Within the farmstead itself the structure of the farmstead is largely similar but with some subdivision and modest expansion of with the yards (**Fig. 5**). The oasthouse had been extended to the north with a second stowage barn between c.1897 and 1908. Figure 4.3 in the Appellant's Heritage Statement (**CD1.35**) suggests that the ground floor of the later stowage barn was used as a cartshed, being situated directly on the access. The track circling the north-east side of the farmstead has apparently been removed.

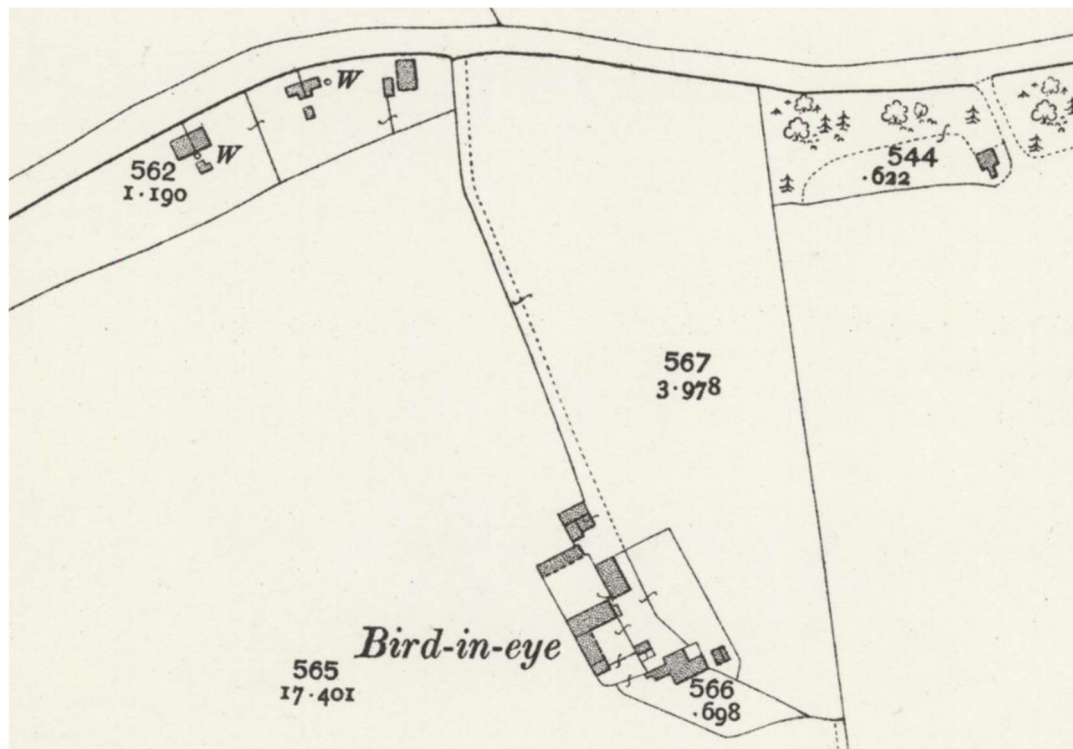


Fig.5 Third Edition OS Map extract, surveyed 1908 and published in 1910

- 4.11 The expansion of the oasthouse in the early 20th century - still in accordance with Reed's principles that dictated it was open-ended on the ground floor, with the level of the cooling floor below that of the drying floor internally and sufficiently high - indicate the importance of the hops to the farm at this time. The hop excise duty was removed in 1862, and understanding that the yield was still good at Bird In Eye Farm, this may account for the expansion. Although the overall land dedicated to growing hops in England decreased in the 20th century, with new varieties and methods the crop was dramatically increased (Filmer 1982). This too may account for expansion at Bird In Eye Farm. The undated photograph (**Fig. 6**) shows ladies

hop picking in the hop garden at Bird in Eye Farm. The coppice land indicated on the tithe map would have provided the hop poles.



Fig. 6: Undated photo of hop picking at Bird in Eye Farm (source: <https://www.birdineyefarm.co.uk/about-us.html>)

- 4.1 The Appellant's Heritage Statement at Figure 3.4 gives a '1930 OS Map' apparently sourced from the National Library of Scotland (NLS). The level of detail on this map indicates that it is a larger scale map. I have been unable to locate the same map on the NLS. The c.1931 map currently available on the NLS actually depicts 1908 which is the revision date (it only being published in c.1931), but it does not have the same depiction of the farmstead with the two larger buildings to the east – see <https://maps.nls.uk/view/101469200> (**Appendix I**). The 1961 map given at Figure 3.5 of the HS depicts the survey from 'Pre-1930 to 1960' and appears similar to the map in Figure 3.4 of the HS – see <https://maps.nls.uk/view/189259874> (**Appendix I**).
- 4.2 Aerial photographs from 1947 (**Fig. 7**) and 1959 (**Fig. 8**) show the longevity of the landscape structure, and evidence the limited linear expansion eastwards out of Uckfield, as well as the gradual early 20th century enlargement of the farmstead, firstly with enlargement of the yards on the eastern side to join the earlier track to the east. The amalgamated fields to the west of the farmstead appear to have been subdivided or in different cultivations. The 1959 aerial photograph also records the construction of Lycroft, but on the west side of the access to the farmstead, south of Nos. 18 and 19 Bird in Eye Hill. Planning records indicate that this was built in

c.1949 as an agricultural cottage associated with Bird In Eye Farm under planning reference 1949/9277/F.



Fig. 7 1947 Aerial photograph showing field patterns surrounding Bird in Eye Farm (source: <http://www.sussex.ac.uk/geography/researchprojects/sussexair/photos/1940/7-1035.jpg>. Similar map: <https://maps.nls.uk/view/238925101>)



Fig. 8 1959 Aerial photograph showing field patterns surrounding Bird in Eye Farm (source: https://historicengland.org.uk/images-books/archive/collections/aerial-photos/record/raf_58_2214_v_0106)

- 4.3 The later 20th century maps from 1961 onwards (Figures 3.5, 3.6 and 3.7 of **CD1.35**) show minimal changes within the landscape structure. Together with the

area for parking to the west of oast as part of the 1986 planning permission for the change of use to craft workshops (**Appendix E**).

- 4.7 Farm diversification has taken place in the wider farmstead in the later 20th century, predominantly in terms of commercial uses in the larger span industrial sheds to the eastern side of the farmstead. Despite this, the oast house and former historic farm buildings are still clearly definable on the western edge of the farmstead (**Plate 1**, see Section 5 below) with the more modern buildings on the eastern side. The historic farm buildings adjacent to the oast house have been converted to other uses but their characteristics as traditional rural buildings are still appreciable. The stowage barn attached to the kiln has also been converted to provide an alternative use as part of the wider farm diversification, but the kiln itself remains unconverted.



Fig. 10 Extract of Google Maps aerial photo (© 2025) with Bird In Eye Farm circled in red

- 4.8 The setting of the oast house and its contribution to the significance of the listed building will be discussed in Section 5 of this proof of evidence.

5 Significance and setting of Bird In Eye Oast

Significance

- 5.1 Historic England's Farmstead Assessment Framework (**CD7.15**) aims to help to identify the historic character and significance, including the extent of change to the site and its setting. It notes that, in addition to their heritage interests, traditional farmsteads and buildings make a fundamental contribution to both landscape character and local distinctiveness through their varied forms, use of materials and the way that they relate to the surrounding landscape and settlement (p.1).
- 5.2 Under 'Step 2: Assess Heritage Significance' it notes that farmsteads and buildings can contribute to local character if they have one or both of the following:
- Traditional farm buildings
 - Their historic form as traditional farmstead, where the historic farm buildings, houses and spaces relate to each other.
- 5.3 The greater the survival of the historic form of the group, and the detail of the individual buildings, the greater the significance will be as a traditional farmstead. The guidance note classifies significant change as over 50% loss of historic form and few remaining buildings. It should be noted that the Historic Environment Record for Bird In Eye Farm (**Appendix F**) identifies only minor change, i.e. partial loss (less than 50%) of traditional buildings, despite the later modern agricultural development to the east. The guidance goes on to note that significance and sensitivity to change at a national level will be heightened where rare surviving materials or details are present, as would certainly be the case for Bird In Eye Oast (p.7).
- 5.4 The group contributes to local distinctiveness because:
- The core of the historic farmyard retains the overall form of a traditional loose courtyard with three sides of the yard formed of agricultural buildings and a small secondary yard, with the farmhouse set away to the south, clearly visible in views from the west, from the access and within the surrounding fields (irrespective of whether there is public access);
 - The courtyard buildings, oasthouse and farmhouse are all shown on the tithe map and key OS maps up to c.1900 and are typical in their overall form;
 - The use of local stone for the oasthouse; and
 - The fields surrounding the farmstead, and with which it has had a functional relationship, also retain their general form.
- 5.5 Historic England's publication, 'National Farm Building Types' (**CD7.16**) summarises the character and significance of the principal types of farm buildings in England and provides additional detail to the National Farmsteads Character Statement (**CD7.14**). In relation to oasthouses it provides the following information (p.26-27):

OAST OR HOP KILN

A building in which hops are dried and stored. The drying of hops was a delicate process, requiring skill in managing the fire to maintain the correct temperatures. The dryers would often work round the clock, catching up on their sleep in the oast.

Typical features

An oast comprises:

- A square or circular kiln, with a cowl on the roof that would extract air though the slatted drying floor on which the hops were laid.
- An attached 'stowage' where the dried hops could cool on the upper floor before being pressed into suspended 'pockets'. The ground floor could be used for storage or was open-fronted and served as a cart shed.

Significance

- Early purpose-built oasts, small buildings which included a kiln and rooms for the green and dried hops, are extremely rare.
- Surviving kilns are extremely rare.
- Only a small number of unconverted oasthouses survive.

5.6 Given the fact that the oast flues system and its associated furnace and drying floor remain intact and largely unaltered within the square oast kiln, this building is a rare example that has not been lost through conversion. The original stowage barn survives and although converted, can easily be appreciated. The addition of a second stowage barn to the north in the early 20th century demonstrates the need for the extra storage space and the continued use of this building for hop processing beyond the 19th century.

5.7 Bird In Eye Oast has special architectural and historic interest as a grade II listed building. The significance and special interest of the building lies in its origin as a 19th century agricultural building of a specialist type associated with the Wealden hop industry, with legible building typologies; it's historic character, fabric and architectural detailing, exhibiting technological advancements with the application of local materials; and with historic associations to the 18th century farm at Bird in Eye. The key attributes of the heritage asset itself are its rare survival as an unconverted oast kiln, and the significance as a technological advance in hop drying; and context within a farmstead group.

Setting

5.8 The setting of a heritage asset is 'the surroundings in which a heritage asset is experienced' (NPPF, Annex 2: Glossary). Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. GPA3 (page 4; **CD7.5**) notes that the

settings of heritage assets can change over time and that understanding this history of change will help to determine how development within assets setting is likely to affect the contribution made by setting to the significance of the heritage asset. It continues with the statement that: 'Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance.'

- 5.9 In order to determine whether the proposals the subject of this appeal will still result in harm to significance of the heritage asset through development within its setting, it is necessary to undertake an assessment using the steps set out in GPA3 (CD7.5). The first two steps will be undertaken below, and the steps in respect of impact will be addressed in Section 6.

Step 1: Identify which heritage assets and their settings are affected

- 5.10 Step 1 requires identification of which heritage assets and their setting are affected.
- 5.11 Bird In Eye Oast sits broadly within the centre of the Appeal Site, on the western edge of the farmstead area, on the ridge top, with a close visual and functional relationship with the descending land to the south and west (**Plates 1 and 2**).



Plate 1 View to Bird In Eye Farm from east showing oast house on left, and the other former historic farm buildings to the right



Plate 2 View west from Bird in Eye Oast over the development site

- 5.12 The proposals include change of use of the land and associated construction of built form, alteration of the access, including a proposed roundabout and associated highways infrastructure, and a public open space with associated infrastructure as set out in section 3 of my Proof of Evidence.
- 5.13 Although all matters except for access are reserved, the indicative illustrative site layout (**CD1.6**) shows built development forwards of the western edge of the farmstead in the open setting of the oasthouse, both to the northwest and southwest; as well as a large landscaped area for a public open space to the west with associated infrastructure (including landscaping, levels changes, footpath routes with associated street furniture, lighting, swales, etc.) to the west.
- 5.14 Given the historic functional and visual relationships, the proximity of the proposed development to the oasthouse, and quantum and indicative scale and form of the development, the Council is of the view that the significance of the Grade II listed building has the potential to be affected by changes within its setting. For these reasons, the site can be said to be within the setting of the oasthouse.
- 5.15 This is the position that was accepted by all parties and including the Inspector under the previous appeal.

Step 2: Assess the degree to which the setting and views make a contribution to the significance of the heritage asset or allow significance to be appreciated

- 5.16 Step 2 requires the assessment of the degree to which setting and views make a contribution to the significance of the heritage asset or allow significance to be

appreciated. Paragraph 26 sets out how this assessment should address the key attributes of the heritage asset itself and then consider:

- the physical surroundings of the asset, including its relationship with other heritage assets;
- the asset's intangible associations with its surroundings, and patterns of use;
- the contribution made by noises, smells, etc to significance; and
- the way views allow the significance of the asset to be appreciated.

5.17 The Assessment Step 2 Checklist on page 11 provides a list of the potential attributes of setting which may inform the significance of the asset. Paragraph 27 suggests that 'it will generally be useful to consider, insofar as is possible, the way these attributes have contributed to the significance of the asset in the past (particularly when it was first built, constructed or laid out), the implications of change over time, and their contribution in the present'. Paragraphs 30 and 35 set out that there are a wide range of circumstances in which setting may be affected which can broadly be categorised as having the potential to enhance or harm the significance of an asset through the principle of development alone; through the scale, prominence, proximity or placement of development; or through its detailed design.

5.18 The application site makes a positive and important contribution as part of the setting of the oasthouse because of its functional relationship and direct spatial and visual relationships. In GPA3 terms, the relevant elements of setting from Checklist 2 which support the twin roles of setting – contributing to the significance of the asset and allowing the significance to be appreciated – include:

The asset's physical surroundings

- Topography
- Orientation and aspect
- Definition, scale and 'grain' of surrounding landscape and spaces
- Green spaces, trees and vegetation
- Openness, enclosure and boundaries
- Functional relationship
- History and degree of change over time

Experience of the asset

- Surrounding landscape and townscape character
- Views from, towards, through, across and including the asset
- Visual dominance, prominence or role as a focal point
- Land Use
- Tranquillity

- 5.19 Below, I provide further detail as to why each of the elements above are important in considering the twin roles of setting in relation to the oasthouse.

Physical Surroundings

- 5.20 The physical surroundings of the oast make an important contribution to the significance of the heritage asset. In this case, the setting includes the former farmstead including the modern and historic agricultural buildings (now repurposed) and the farmhouse; and the rural open setting surrounding the farmstead to the east, west, north and south.
- 5.21 The oasthouse retains a clear visual relationship with the land with which it has historically been associated, including the area of hop garden on Tithe Map and the arable land to the immediate west (kiln field and barn field) both of which could have been used for growing hops too (**Plate 3**). This appreciation of the functional relationship that the oast building had with its setting is particularly important. These open rural fields descend to the treed Framfield Stream valley bottom, with the wider farmstead still surrounded by open land with substantial treed boundaries to the site to the south and west.



Plate 3 View due west from the western edge of the farmstead, over the former arable fields

- 5.22 The oast is also still visually associated with the former 19th century farm buildings to its immediate south which, although converted to craft workshop use, retain their agricultural character and origins (**Plates 2 and 4**). The historic form of the historic

farmstead is largely retained, accessed primarily along the same route as historically, with more modern development set to one side. These buildings and spaces provide context to the oasthouse and its function, as well as its relationship to the wider rural area, and therefore make a positive contribution to the setting of the oasthouse.

- 5.23 It is acknowledged that diversification has taken place within the wider Bird In Eye farmstead area to the east of the oasthouse. Whilst now in commercial uses, the industrial style farm sheds have largely been retained and continue to communicate the function of the farmstead (**Plate 5**). This is not an uncommon change to historic farmsteads and the 20th century portal farm buildings which are not unexpected addition to a historic farmstead or the broader High Weald landscape character area. Historic England noted in 2014 that post-1950 industrial sheds are found on 47% of traditional farmstead sites (**CD7.14**, p.4) At the time these portal farm buildings were built, they supported the farmstead function, for which the traditional agricultural buildings were largely redundant, and in that regard have had a neutral impact on the setting of the oast. The buildings are utilitarian in appearance but nevertheless, remain typical of the way farmsteads have evolved over time by providing wide-span industrial structures outside of the historic group, and their appearance is not out of place within the rural landscape.



Plate 4 Bird in Eye Oast with the farmstead buildings immediately adjacent



Plate 5 View east from Bird in Eye Oast, towards the modern buildings

Experience of Asset

- 5.24 Oasthouses are a locally distinctive sight in East Sussex and are representative of a specialised and important rural industry and are a strong characteristic of the Weald landscape. They were associated with farmsteads and commercial cultivation of hops in hop gardens which were plots of land dedicated to cultivating hops with distinctive poles and stringing for growing hops. The setting of the oast at Bird In Eye includes the former hop garden to the south and southwest and reinforces the functional relationship of the setting with the oast. Sitting at the centre of the farmstead with which it still has legibility, the agricultural character and uses of the surrounding land with which the farmstead has had a historic functional association also communicates and contextualises the significance of the oasthouse.
- 5.25 In longer distance views, the topography of the landscape serves to reinforce the oasthouse as a landmark building on the ridge, in context with the wider farmstead group, and with its associated rural setting (**Plates 1 and 6**). These open fields reinforce appreciation of the historic and traditional isolated nature of the farmstead, beyond the boundary of the town and within the countryside. Particularly significant to the experience of the heritage asset are the views into the farmstead from the edge of the town of Uckfield, specifically from the hospital and allotment site and neighbouring housing estate to the south, and glimpsed views when travelling northeast along Framfield Road.
- 5.26 The oasthouse retains a visual prominence on western edge of farmstead along with the other traditional farm buildings. The surrounding open rural fields to the west are readily appreciable in the context of the oast and wider farmstead. This reinforces the rural nature and lack of urbanisation of the fields which have no artificial landscaping lighting, encroachment of residential built form and boundary features or road infrastructure, adding to the tranquillity of the setting. These views of the asset across the undeveloped open rural landscape allow for appreciation of the functional relationship of the building with the landscape.



Plate 6 View east from the allotments on the edge of Uckfield towards Bird In Eye farm



Plate 7 Approach from the modern spur on the northern access

- 5.27 Closer and sequential experiences of the oasthouse are provided by the approach to the farmstead from the north (**Plate 7**), whereby the oast is the first of the traditional buildings to be seen from the historic access, and with its prominent cowl. The oasthouse is also clearly experienced in conjunction with the former 19th century agricultural buildings when travelling through the farmstead.
- 5.28 The surrounding open rural landscape is also appreciated and experienced on approach to and from within the farmstead, whether as a user of the oast conversion itself, or visiting or working within the businesses and agricultural enterprise at the site. The access into the farmstead retains a rural character, travelling between paddocks with simple post and rail fencing, and affording more open views to the east and west sides of the farmstead which allow it to be appreciated as an isolated group in the rural area. The oast lies on the edge of the farmstead with prominent cowl, with close proximity to the open fields, and the external stair affords wider views out from the building itself over the farmstead and surroundings. The open land, clear separation from the edge of Uckfield and

character and qualitative attributes of the surroundings all allow for appreciation of the historic rural scene and contribute to the significance of the asset.

6 Proposals and heritage impact on Bird In Eye Oasthouse

- 6.1 The Appeal Scheme proposes a residential development for up to 190 dwellings, associated landscaping, informal open space and SANG, with access from the B2102. The proposal is in outline form.
- 6.2 The current scheme has reduced the proposed quantum of growth in the previously dismissed appeal from 290 to 190 homes. The area shown for development is configured differently from the dismissed appeal, reducing the amount of housing proposed to the west of the oasthouse to leave a greater area of land undeveloped. Although all matters except for access are reserved, the indicative illustrative site layout (CD1.6) shows built development forwards of the western edge of the farmstead in the open setting of the oasthouse, both to the northwest and southwest; as well as a large landscaped area for a public open space to the west with associated infrastructure (including landscaping, levels changes, footpath routes with associated street furniture, lighting, swales, etc.) to the west. Highway works include the provision of a roundabout at the junction with the B2102 and associated road infrastructure works,
- 6.3 The current scheme also proposes changes to the immediate setting of the oasthouse with the inclusion of an area of hardstanding to the west of the oasthouse within the redline boundary, which is to be removed and replaced with landscaping. This latter element of the current scheme, assuming it can be delivered, is a positive change and reintroduces the historic boundary to the farmyard area where this has been eroded in the later part of the 20th century.



Plate 8 Yard created west of the oasthouse in 1986, together with the break in the yard wall on the extreme right side of the photo

Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it

- 6.4 Step 3 of GPA3 (**CD7.5**) requires the assessment of the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate the heritage asset.

6.5 The Assessment Step 3 Checklist on page 13 includes a list of potential attributes that may have implications for the significance of a heritage asset, including location and siting, form and appearance, wider effects and permanence of proposed development, in terms of both visual impacts and the qualitative aspects of environment and experience.

6.6 The attributes of the development from Checklist 3 which would adversely affect setting and thereby significance of the oasthouse include:

Location and siting of development in relation to the heritage asset its and setting

- Proximity to asset
- Position in relation to key views to, from and across
- Position in relation to relevant topography

Form and appearance of the development

- Prominence and dominance or conspicuousness
- Competition with or distraction from the asset
- Dimensions, scale and massing (illustrative)
- Architectural and landscape design
- Introduction of movement or activity

Wider effects of the development

- Changes to the built surroundings and spaces
- Lighting effects and 'light spill'
- Change to general character (e.g. urbanisation, traffic noise, loss of tranquillity).
- Changes to land use
- Changes to communications/accessibility/permeability including traffic, road junctions and car-parking etc.

Permanence of the development

- Anticipated lifetime

6.7 Below, I provide further detail as to the nature of the impact of these attributes on the significance or ability to appreciate the significance of the oasthouse.

6.8 The oasthouse is a historic agricultural building with visual and functional relationships to the wider rural setting which includes the appeal site. The location of development, particularly to the west and south of the farmstead, would significantly erode the rural setting of the heritage asset, being conspicuous in the open landscape setting in views from the west and in views from the oast and farmstead group. It would adversely affect the understanding of the role of the oasthouse and its function within an open rural and tranquil setting through the urbanisation created by the built development and associated infrastructure, as well as the artificiality of the landscaping of the public open space to the immediate west.

- 6.9 The previous Inspector's decision letter supports the interpretation that a large-scale residential development, would cause a level of harm to the significance of the heritage assets. It is difficult to see how any major development would not have similar impacts in terms of substantial loss of the remaining ability to appreciate the significance of the oasthouse in its historic rural setting and the diminishment of the relatively quiet and tranquil character of the setting of the oasthouse (see para 58 of **CD14.3**).
- 6.10 At paragraph 6.6 the Heritage Statement (**CD1.35**) discusses the dwellings and access road proposed to the northwest of the oasthouse along the rear boundary of the existing houses on the south side of Bird In Eye Hill. It states that the form and layout of the illustrative design has been carefully considered, and the architectural style of the houses will take inspiration from existing development in the surrounding area using vernacular materials and traditional agricultural buildings to ensure that the introduction of houses in this location is discreet and sympathetic and reinforces local character. This may be the case, however I consider that even if this were the case the introduction of up to 190 houses in the setting of the oast will be harmful to the oast's significance for the reasons I set out below.
- 6.11 Based on the illustrative site layout plan (**CD1.6**) there are distinct elements of the appeal proposals which need to be considered as they are of particular concern and these include:
- a) the smaller island of housing to the northwest, running parallel to the existing development on the B2012;
 - b) the proposed housing to the southwest which intrudes into the fields to the west of the oast on the former hop garden area;
 - c) the proposed changes within the public open space created to the west;
 - d) the loss of tranquillity as a result of the introduction of significant housing development;
 - e) and the highways infrastructure, predominantly to the north.
- 6.12 Taking the distinct elements of development in turn, I have strong concern that this small island of development to the rear of the dwellings on Bird In Eye Hill would create a permanent and irreversible harmful visual impact on the setting of the oasthouse. The existing sporadic development has a variety of size, height and massing with substantial gaps between buildings and established tree and hedge planting between and on the majority of boundaries. By contrast, the proposed island of development will not visually integrate with the low grain of the existing sporadic linear development on the southern side off the road being back land and significantly denser in character. It is unlikely that the proposed area of development could mimic the existing soft edge to the rural/urban transition between the built-up edge of Uckfield and the countryside to the east.
- 6.13 The island of development would be visible in views out from the heritage asset (**Plate 9**). The new dwellings would be much closer than the existing linear development along the B2102, and face into the site with a new access road on their southern edge. This would not replicate the present distant views of the

houses to the existing houses facing away from the farmstead and addressing the road, amongst more generous gardens with boundary vegetation and with a linear development pattern. Even where the existing built form which fronts the road extends into the rear portions of the garden plots, they are generally subservient in character and would not have the same neutral effect as the proposed housing.



Plate 9 view north-west from Bird In Eye Oast, towards the existing development along the B2102

- 6.14 At present some screening of the northern part of the site from the heritage asset is afforded by the tall evergreen hedging to the equestrian exercise area. Paragraph 40 of GPA3 warns against over-reliance on screening, which ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Where screening does have a role to play in reducing harm, the permanence or longevity of screening in relation to the effect on the setting requires consideration (**CD7.5**). This type of hedging is not anticipated to have great longevity and is not a native species which it may be desirable to remove, nor would it be protected.
- 6.15 Turning to the larger area of proposed housing to the southwest of the oasthouse paragraph 6.7 of the Heritage Statement (**CD1.35**) states that this has been moved further south with the access road and building line angle to further mitigate visibility from within the setting of the oasthouse. It also states that within the immediate setting of the oasthouse development to the south would be obscured by farm buildings but where visible it would be a peripheral element of the wider setting of the oasthouse.

- 6.16 I disagree that this development would be wholly obscured in views from the oasthouse by the adjacent courtyard of historic farm buildings (**Plates 2 and 10**). The oasthouse has external access to the first floor of the storage and this is a typical characteristic of such buildings.



Plate 10 View south from the yard to the east of the oasthouse

- 6.17 Therefore, there are the fortuitous views from an elevated position from the southern side off the oasthouse across to location of the south-western extent of the proposed residential development.
- 6.18 These views today afford a similar outlook to that which would have been gained historically, with clear separation from the urban edge of Uckfield, and the fields remaining pastoral in use and character. The appeal proposals are for development into this area with attendant activity, which would introduce visible built form together with lighting, noise and activity which would adversely affect the tranquil qualities associated with the rural, historic scene. The proposed development in its setting would thereby detract from the appreciation of the significance of the oast house and would irrevocably change the context from rural to suburban.
- 6.19 The location and siting of the proposed development would also be visually prominent in views towards the oast, particularly from the west from the Hospital and adjacent residential development areas and from Framfield Road, where the listed building is read against the legible backdrop of the farmstead (**Plate 6**). The

Appellant accepts (at 4.23 of **CD1.35**) that the open setting to the west is appreciated 'in part with the wider swathe [of land] to the south' where the proposed housing would be located. The introduction of residential development in the areas shown on the illustrative plan would erode the rural setting of the oasthouse and the associated traditional farm buildings. Therefore, the appreciation of the visual and functional association of the heritage asset in an open rural landscape would be significantly impacted.

- 6.20 Turning to the open space, the heritage statement at paragraph 6.5 states that the open space will be simply landscaped in order to maintain the existing informal character of the field. Whilst it does note that the new footpaths will be lit at night, it considers that this will be mitigated through the location of the footpaths below the ridgeline of the hill on which the oasthouse sits and careful design of lighting which would be subject to condition.
- 6.21 I note that landscaping is a reserved matter however an illustrative scheme for the open space to the west of the oasthouse has been provided as part of the appeal scheme. Regardless of whether the illustrative scheme is that put forward at any future stage, it demonstrates that there will be a distinct change to the character of the land to a more artificial managed landscape parkland rather than rural pastoral/agricultural, as well as the introduction of activity and associated infrastructure associated with the open space use, including 3m wide hard surfaced pedestrian and cycle routes with necessary artificial engineering to ground levels to create useable routes. Such public open space schemes normally also require associated street furniture such as bins, seating and signage.
- 6.22 It is clear from paragraph 3.27 of the Framework Travel Plan that any pedestrian/cycle route would require the introduction of lighting to its length through a future public open space (**CD1.14**), which even at low level would create a visual intrusion into this rural open landscape.
- 6.23 The introduction of the cut and fill through engineering operations to the sides of the hard landscaped route to create an appropriate gradient and level pathway as shown on the Shared Footway/Cycleway Plan No. 23138/004 Rev F (**CD5.3**) and Overall Access Strategy Plan No. 23138/006 Rev H (**CD5.4**), along with the introduction of artificial ponds for swales as shown on the Landscape Strategy Plan No. CSA/2646/123F (**CD5.8**) will also lead to a substantial visual change to the current simple rural character of the land to the west of the oast, and would be compounded by the introduction of any necessary fencing of such areas. All of this would artificially and detrimentally change the character of this rural open farmed landscape to the west of the oast.
- 6.24 In addition, the relatively quiet and tranquil character of the setting of the oasthouse would be significantly diminished by the recreational usage of the land to the west with its associated infrastructure.
- 6.25 With regards to the access to the site, although the original farm access to the north has been altered at its northern end as part of the 1986 application requirements for the change of use from redundant farm buildings to rural craft workshops

(**Appendix E**) its continuation represents the direct historic approach to the farmstead. At present the access runs between two open areas of paddock with slightly raised banks and a simple post and rail fence with no lighting and a narrow roadway (**Plate 7**). The oasthouse is readily visible in views on entering the site from Bird In Eye Hill reinforcing its landmark status, and the more isolated nature of the farmstead in the landscape without competition from signage, artificial engineering operations and tall highways lighting.

- 6.26 Another part of the proposed development is the introduction of new highways works to the access to facilitate the construction of a roundabout as shown on the Overall Access Strategy Plan No. 23138/006 Rev H (**CD5.4**). This access is within the wider setting of the oasthouse and is appreciated on the arrival at the site and farmstead, thereby adversely impacting on the experience of this part of the setting through visual change, including artificial engineering of the topography, and introduction of noise, vehicular movement and lighting leading to an urbanisation of the arrival at the farmstead.
- 6.27 The open setting of Bird In Eye Oast is, thereby, adversely affected by the introduction of residential development and associated infrastructure to the west and southwest of the oasthouse and the introduction of the public open space with associated infrastructure to the west as well as the highway work and amendments of the access to the north.
- 6.28 Although the proposed development to the east would reduce the rural surroundings of the asset, this would be considerably less noticeable in views from the west. Whilst there could be some appreciation of new housing from within the farmstead (owing to the topography), depending on where within the site this is located at reserved matters stage, any more minor harm could be mitigated through design (e.g. single storey buildings, set back, architectural language used, etc). The open land to the east of the farmstead, in part shares a functional relationship with the farmstead but does not have such an important contribution to the significance of the oast. This open land is not directly appreciated from the oast, although housing development would undoubtedly have some visibility, and there is a perception of the open eastern area as an extension of the paddock at the access from the B2102.
- 6.29 Any benefits and positive change as a result of the current appeal proposals are discussed as part of Step 4 below.

Step 4: Explore ways to maximise enhancement and avoid or minimise harm

- 6.30 Step 4 is to use the above steps to explore ways to maximise enhancement and avoid or minimise harm, including through good design (paragraph 39, **CD7.5**). Paragraph 38 sets out suggested enhancement actions including:
- removal or remodelling of an intrusive building or feature;
 - replacement of a detrimental feature by a new and more harmonious one;
 - restoring or revealing a lost historic feature;

- Introducing a wholly new feature that adds to the public appreciation of the asset;
- introducing new views that add to the public experience of the asset; and
- improving public access to or interpretation of the asset including its setting.

- 6.31 It is acknowledged that the reduction in quantity of the proposed development within the field to the west of the oasthouse over that proposed in the previous scheme is a positive change to the original appeal scheme dismissed in 2023 (**CD14.3**). However, I consider that the provision of dwellings beyond the western edge of the farmstead would continue to be harmful to the setting and therefore the significance of the oasthouse. Paragraph 39 of GPA3 (**CD7.5**) states that for some developments affecting setting good design may reduce or remove the harm or provide enhancement. In this instance it is not considered the development area has been sufficiently adjusted to avoid or significantly reduce the harm set out by the Inspector in the previous scheme. It is still considered that the relatively quiet and tranquil character of the setting will be significantly diminished by the large-scale residential development proposed along with the cumulative impact of the design and infrastructure of the proposed public open space to the west and the highway works.
- 6.32 It is also acknowledged that the proposed improvement to the immediate surroundings of the oast house in the area of the existing carparking are a positive change, although it is not unusual for small areas of additional hardstanding to be provided outside of buildings within farmsteads and it is therefore not an evolution of the area that is particularly out of character in this rural location.
- 6.33 At the time of the application submissions, the Appellant appeared to be unaware of the details of the 1986 planning approval for the change of use from redundant farm buildings to rural craft workshops (including the oast, barn, cartshed, etc.) which required the area behind the oast to be provided for parking (discussed in Section 3 above and **Appendix E**). The Appellant has now been advised of this matter, but had not responded on this point prior to the completion of this proof of evidence. Although the Appeal scheme shows removal of the parking area to the west of the oasthouse, it provides no information within the submissions as to provision for the new location of replacement parking within the Bird In Eye farm complex. It is also clear that the Council has previously considered that the provision of a small area of parking would be an acceptable extension of the farmyard in this area to facilitate the reuse of the buildings. Critically this determination was made at a time when all of the farm buildings were considered to be listed and the visual impact was weighed against the benefit of bring the buildings back into beneficial use
- 6.34 However, if a scheme to move the parking to an alternative location within the farmstead can be agreed, removal of the hardstanding would reinstate the historic farmstead boundary, with the field being immediately adjacent to the oast and associated courtyard of buildings which would be a positive change. The loss of the farmyard wall to the courtyard could also be remedied, with the reinstatement of the stone boundary wall and would be a heritage benefit.

- 6.35 It was suggested in the previous scheme dismissed at appeal (**CD14.9**) that the introduction of interpretation material in relation to the oasthouse and its significance would be a heritage benefit. The Heritage Statement for the current appeal (**CD1.35**) alludes to this again at paragraph 7.3 where it is recommended that a scheme of interpretation is secured via a condition.
- 6.36 I consider that the provision of, for example, an interpretation board at the oasthouse would be a minor heritage benefit in terms of better revealing the significance of the oasthouse. However, as noted by the previous inspector (paragraph 59, **CD14.9**) there would only the proposed interpretation would not minimise the specific harms to the setting of the oasthouse. I would suggest that a scheme of interpretation could be provided regardless of the outcome of the appeal in the future, as it would also be a heritage benefit to the users of the existing farm complex.

Conclusions on heritage and on harm

- 6.37 Although the reduction in dwellings to the West of the oasthouse is a positive change over the previously dismissed appeal scheme, I consider that the appeal scheme would continue to be harmful to the setting and therefore the significance of the oasthouse. This is particularly the result of: (a) the provision of dwellings beyond the western edge of the farmstead; (b) the disruption to the quiet and tranquil character of the setting through the introduction of significant development; (c) the design and infrastructure of the proposed public open space; and (d) the highway works/amendments to the access.
- 6.38 Paragraph 39 of GPA3 (**CD7.5**) states that for some developments affecting setting good design may reduce or remove the harm or provide enhancement. In this instance it is not considered the development area has been sufficiently adjusted to avoid or significantly reduce the harm set out by the Inspector in the previous scheme. Further, it is still considered that the relatively quiet and tranquil character of the setting will be significantly diminished by the large-scale residential development proposed along with the cumulative impact of the design and infrastructure of the proposed public open space to the west.
- 6.39 In addition, the requirements for substantial change to and upgrading of the farm access to serve the proposed 190 dwellings in addition to the existing uses at the farmstead would harm the setting through the introduction of the roundabout infrastructure with associated engineering to levels, signage, lighting and the inherent urbanisation created.
- 6.40 Some minor heritage benefits are proposed which are from the introduction of an interpretation board relating to the oasthouse and the removal of the carparking and hardstanding to the immediate west of the oasthouse.
- 6.41 Overall, I have concluded that there would less than substantial harm at the moderate level of the spectrum to the significance of the heritage asset arising from

inappropriate development within its setting which affords appreciation of and contributes to its significance. This would arise from visual impacts and associated loss of the rural qualities and character of its setting.

- 6.42 The scheme would therefore fail to preserve the significance and setting of the grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act. I consider that there would be less than substantial harm to the significance of the asset at the moderate level because of the adverse impact of the proposed development and associated infrastructure on the rural open setting to the west, south and north of the listed building.
- 6.43 Consequently, the proposed development would be contrary to national and local policies, including paragraphs 135c, 139, 210 and 219 of the NPPF, amounting to less than substantial harm under paragraph 215; local policies EN1 and EN27 of the Saved Local Plan 1998 relating to sustainable development and the layout and design of development; and broader policies relating to the intrinsic quality of the historic environment in the Core Strategy SP02.

7 Comments on the Appellant's Heritage Statement

Section 3.0 Historical Development

- 7.1 The Heritage Statement submitted with the application (**CD1.35**) is lacking in detail of the historic development presented at Section 3.0. It offers only a cursory understanding of the surroundings of the asset, now or in the past (with reference to GPA3, paras 26 and 27). In failing to assess the farmstead more broadly - including the form and functional spaces and the nature and extent of the surroundings - the subsequent conclusions on the setting of the heritage asset are not properly informed. The form of the farmstead is not well understood, nor are the functional relationships with the surrounding land sufficiently understood. The Appellant emphasises the later 20th century farm diversification as harmful to the farmstead but does this without sufficient consideration of the development in context.
- 7.2 In respect of understanding the oasthouse itself, the Appellant's assessment fails to recognise that the oasthouse was constructed in two phases, one dating to the early 19th century, and the second to the early 20th century. The HS goes on to infer that the 20th century alteration undermines the significance of the heritage asset in some way, however, the fact that the functional requirements were for expansion of the oast stowage area and that the oast worked into an unusually late period into the 20th century (1965), could be argued that this positively enhances the oasthouse's significance. Some of the context provided, e.g. large concentrations of oasthouses at paragraph 3.5, similarly imply that any interest of the structure is limited. However, the rarity of this oasthouse in particular – in terms of its form, context within an area that is not a major hop growing area, and technology – is somewhat underplayed.
- 7.3 The reference in paragraph 3.6 of the HS (**CD1.35**) to the expansion of Uckfield along Bird In Eye Hill, and the 'gradual transformation of the formerly rural area into residential housing' (emphasis added) is not borne out by the facts. In particular, the development closest to the farmstead, comprising Nos. 18 & 19 Bird In Eye Cottages (and later Lyecroft), provided workers housing associated with the farm itself. Such linear development addressing the road is present on the south side of Bird In Eye Hill from at least the First Edition of the Ordnance Survey maps and represents a fairly long-standing part of the surroundings of the traditional farmstead. The nature of this linear development is consistent with the transition from the built-up area to the rural edges of the town and beyond. Certainly, the Inspector's conclusions on the most recent appeal decision found that the surroundings were sufficiently rural in character to inform the setting and significance of the listed building, and the suggestion that the area is no longer rural in character is disputed as set out in Section 5 above.

Section 4.0 Significance of Bird-In-Eye Oasthouse

- 7.4 The Appellant's Heritage Statement (**CD1.35**) acknowledges at paras 4.17, 4.19 and 4.23 that the surroundings of the asset – including the farmstead as a whole,

traditional buildings in the immediate setting, and land to the west and south – enables an appreciation of and contributes positively to the significance of the heritage asset.

- 7.5 It has also been demonstrated above in my proof of evidence that the setting of the oast has not 'changed materially', as alleged in the Appellant's Heritage Statement (paragraph 4.17, **CD1.35**). The open land to the east, west, south and north with which the oast had a functional relationship has not been altered. The earlier associated complex of 19th century farmstead buildings still exist, albeit converted, but there remains a ready appreciation of this link due to their construction, detailing, layout and juxtaposition with both the oast and farmhouse. The wider use of the former farmstead for commercial purposes has utilised the more modern farm buildings which it has been demonstrated above are a not uncommon addition to historic farmsteads and do not remove the appreciation of the former nature of the farm complex at Bird In Eye. There is ready appreciation of this rural context not only in views of the farmstead from, for example, the west (**Plates 1 and 6**), but also in views approaching the farmstead from the north (**Plate 7**), in views out of the farmstead both from the ground in and around the oasthouse and wider farmstead complex (**Plates 3, 9 and 10**), and from the external step landing of the oast (**Plate 2**). All of this demonstrates that the setting of the oast has not materially changed.
- 7.6 At Section 4, the Appellant's HS (**CD1.35**) makes much of the technological interest of the Reed System and its survival, however, this is not the sum of its special interest as outlined above in this section. Surviving kilns are extremely rare and only a small number of unconverted oast kilns survive as is the case here. The evidence for this significance is not only demonstrated by the published article by Gwen Jones but also by physically visiting and appreciating the almost complete survival of the internal workings of the oast kiln at ground and first floor. Furthermore, the continued use of the building through to 1965 for the purpose it was constructed and its functional relationship with the land and hop garden at Bird In Eye contributes to and enhances this significance.

Section 6.0 Assessment: Heritage impact

- 7.7 The Heritage Statement at paragraph 6.4 (**CD1.35**) states that reduction of proposed dwellings from the previously dismissed appeal scheme to 190 dwellings and the associated removal of a large area of housing to the west of the oasthouse is a benefit with a splayed area of natural open green space maintaining the rural setting the oasthouse. The Appellant considers the local landmark quality of the building would then be maintained.
- 7.8 The Appellant's Statement of Case (**CD3.2**) also states that there will be a heritage betterment through the removal of buildings and access roads from the view corridor to the west of the oasthouse, proposed in the previous appeal scheme, and this would result in views of the oasthouse from Uckfield being improved by the implementation (paragraph 5.6, bullet point 3).

- 7.9 It is assumed that this statement refers to a heritage betterment over the previously dismissed appeal scheme rather than in relation to the currently undeveloped character of the setting to the west (**Plates 2 and 6**). Nowhere does the Inspector for the previous appeal find that only the fields to the west contribute to the setting. Her consideration of setting clearly involves the whole of the Appeal Site, including fields to the north, south, east and west, and the qualitative attributes afforded by the open space. Notably all of these fields have a functional relationship with the farmstead, of which the oast is a part (**Appendix C**), albeit the oasthouse would have a more direct relationship with fields used for hops or arable to the west and south (as the latter were also used for hops) and there would be less harm from housing within the fields to the east as set out in para 6.27 above.
- 7.10 Although the Heritage Statement (**CD1.35**) sets out that the proposed public open space to the west will be simply landscaped (paragraph 6.5) to maintain the existing informal character of the field, the appeal proposals are in outline form and landscaping is a reserved matter. It is also confirmed that the combined footway/cycleway will be lit. The Heritage Statement also notes that the introduction of public access to the area west of the oasthouse will allow a greater public appreciation for the special interest of the listed building.
- 7.11 However, GPA 3 (**CD7.5**) makes it clear that the contribution of setting to significance does not depend on public rights or ability to access it nor is it dependent on numbers of people visiting it. It states that this would downplay such qualitative issues as the importance of quiet and tranquilly as an attribute of setting (page 4). In the Inspector's previous appeal decision (**CD14.9**), paragraph 58 raises concern that the relatively quiet and tranquil character of the setting of the oasthouse would be significantly diminished by the large-scale residential development proposed.
- 7.12 The statements within paragraphs 6.6 and 6.7 of the Heritage Statement (**CD1.35**) further confirms the narrow interpretation of the appellant that the that the open land to the immediate west is the most sensitive part of the setting of the oast. The Inspector on the previous appeal dismissed this and noted that the other fields all have same historic association with the farmstead (not just the oast in isolation) and a legible relationship with modern agricultural buildings. It should also be noted that this conclusion that the open land to the immediate west is the most sensitive part of the setting of the oast also ignores qualitative impacts. The considerations appear to be only in terms of 'when viewed from within the field [looking toward the oast] and when within the immediate setting of the oasthouse, but with no appreciation of, or retention of experience of the surroundings.
- 7.13 At paragraph 6.9 the Heritage Statement (**CD1.35**) makes only brief reference to the new highways infrastructure proposed to serve the development and states that it is not considered that there would be an adverse impact on the setting of the listed building, with the roundabout not reducing the open land west of the listed building. It is also notes that traffic volume will mostly be redirected away from the listed building. However, it has been demonstrated in my proof of evidence above that the oasthouse is readily visible in views on entering the site from Bird In Eye

hill, reinforcing its landmark status (**Plate 7**). The introduction of the roundabout, and associated infrastructure including signage, artificial engineering operations and tall highways lighting will harm the rural character of the approach to the farmstead and therefore the setting of the oasthouse.

Section 7.0 Conclusion

- 7.14 The conclusion to the Appellant's Heritage Statement is rather confusing. At paragraph 7.1 it states *that 'the changes to the masterplan have considerably reduced the setting impact of the Proposed Development on the setting of the listing building, addressing the concerns expressed by the appeal inspector. We find no harm to the special architectural or historic interest of the listed building.'*
- 7.15 The focus of their consideration appears to be on their conclusion that the intrinsic architectural and historic interest of the oasthouse 'lies principally in the building fabric' which will be preserved, with the immediate setting enhanced by the introduction of green landscaping, therefore better revealing its significance. There is no mention of the twin roles of setting, which include both the contribution to significance and the appreciation of significance. The functional association of the oast with the farmland, and in particular the hop garden to the west and south has not been discussed. Paragraph 7.3 erroneously appears to mention 'barley' rather than hops. The oasthouse would not have been used in conjunction with barley production.
- 7.16 For some reason, the heritage statement then decides to 'balance these matters' (paragraph 7.4) although it is not sure why they feel the need to provide a balance as no heritage harm has been explicitly identified within the document.
- 7.17 The final paragraph at 7.5 notes that *'If a different in judgement on impact and effect is formed, then any harm would be at the lower end of the less than substantial harm spectrum.'* This is the position that the LPA invites the Inspector to take on this appeal, similar to the previous Inspector.
- 7.18 The Heritage Statement appears to state one hand that there will be no harm, but apparently proceeds to weigh the impacts against the perceived benefits to balance the proposals (see paragraphs 7.1 and 7.4). This rather confusing conclusion appears to demonstrate that the heritage statement does not provide a clear identification of any harm which it then apparently balances. As set out above, it fails to present a thorough understanding of the significance of the heritage asset or the contribution of setting to that significance due to the noted gaps in evidence collection or assess the impact of the proposals in a holistic way.

8 Conclusion

- 8.1 On the basis of the above, the proposal would fail to preserve the significance and setting of the oasthouse as a grade II listed building, for which Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies. Furthermore, the proposal would be contrary to NPPF paragraphs 135c, 210 and 21, and is judged to be at a moderate level of harm within the less than substantial range under paragraph 215. In failing to respond positively to the WDG, it would also be contrary to paragraph 139 of the NPPF which indicates that development which is not well designed should be refused. It would conflict with local policies EN1 and EN27 of the Local Plan, and Policy SP02 of the Core Strategy.

Statement of truthfulness and professional endorsement

Pursuant to Planning Inspectorate guidance 'Procedural Guide: Planning appeals – England Updated 13 June 2023), in particular Section 13 – expert witness, I confirm that the evidence and opinions which I have prepared and provide in this Proof of Evidence herein are my true and professional opinions.

Joanna Tucker, Senior Heritage Officer, 19th June 2025
(to be signed if required at opening of Inquiry)

9 References

Bird In Eye Farm – About Us <https://www.birdineyefarm.co.uk/about-us.html>

Filmer, Richard. 1982. Hops and hop picking

Jones, Gwen. n.d. An example of early nineteenth century technology: Bird-In-Eye Oasthouse, Framfield Parish, East Sussex.

Historic England. 2018. *Advice Note 10: Listed Buildings and Curtilage*

10. Appendices

Appendix A: Location of Bird In Eye Oast

Appendix B: Pre-app advice (PE/2024/0122/E)

Appendix C: Tithe Map and extract of the tithe apportionment

Appendix D: Planning History – Bird in Eye Farm (approved applications only)

Appendix E: 1986 decision notice and approved plans for the conversion of the oasthouse

Appendix F: HER record for Bird In Eye Farmstead

Appendix G: Site photographs

Appendix H: Consultation response to the previous application (2023 appeal) - WD/2021/2198/MAO

Appendix I: Ordnance Survey Maps published 1931 and 1961